

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

STEVEN R. GOINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-06-743-D
)	
MICHAEL J. ASTRUE,* Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

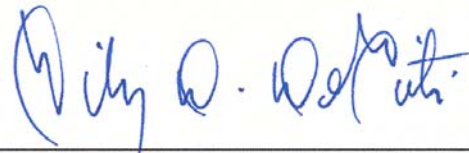
This matter is before the Court for review of the Findings and Recommendation issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(b) and (C). Upon review under 42 U.S.C. § 405(g), Judge Erwin recommends reversal and remand of the decision of the Commissioner of the Social Security Administration denying Plaintiff's application for disability insurance benefits.

Because the record reflects no timely written objection, the Court finds the parties have waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). The Court therefore ADOPTS Judge Erwin's Findings and Recommendation [Doc. 19] in its entirety. The Court further finds the administrative law judge (ALJ) failed to state sufficient findings regarding the assessment of Plaintiff's credibility and the record lacks substantial evidence to support the ALJ's step-five finding that Plaintiff retained the residual functional capacity to perform the job of a surveillance system monitor.

* Michael J. Astrue is substituted for the original defendant, Jo Anne B. Barnhart, pursuant to Fed. R. Civ. P. 25(d)(1).

Therefore, the Commissioner's decision is REVERSED and REMANDED for further proceedings consistent with Judge Erwin's Findings and Recommendation and this Order. Judgment shall be entered accordingly.

IT IS SO ORDERED this 30th day of August, 2007.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE